

# EDUCATION TBL: INDEPENDENT STUDY



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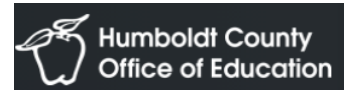
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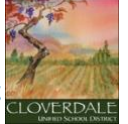
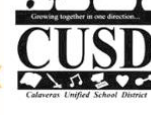
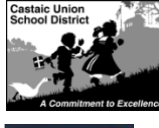
SANTA CRUZ  
COUNTY OFFICE OF  
EDUCATION



Nevada County Superintendent of Schools  
SCOTT W. LAY - COUNTY SUPERINTENDENT OF SCHOOLS



LASSEN COUNTY OFFICE OF EDUCATION  
SUPPORTING STUDENTS FOR THE FUTURE



June 9, 2021

The Honorable Gavin Newsom  
Governor, State of California  
State Capitol, First Floor  
Sacramento, CA 95814

The Honorable Toni Atkins  
Senate pro Tempore, California State Senate  
State Capitol, Room 205  
Sacramento, CA 95814

The Honorable Anthony Rendon  
Speaker, California State Assembly  
State Capitol, Room 219  
Sacramento, CA 95814

The Honorable Nancy Skinner  
Chair, Senate Budget & Fiscal Review Committee  
State Capitol, Room 5019  
Sacramento, CA 95814

The Honorable Phil Ting  
Chair, Assembly Budget Committee  
State Capitol, Room 6026  
Sacramento, CA 95814

The Honorable Connie Leyva  
Chair, Senate Education Committee  
State Capitol, Room 2083  
Sacramento, CA 95814

The Honorable Patrick O'Donnell  
Chair, Assembly Education Committee  
1020 N Street, Room 159  
Sacramento, CA 95814

**RE: INDEPENDENT STUDY TBL: STRENGTHEN AND PROTECT HIGH-QUALITY  
LEARNING OPTIONS FOR ALL STUDENTS**

Dear Governor Newsom, Honorable Senators and Assembly Members:

The cosigned K-12 education labor and management organizations are collectively committed to ensuring that **in-person instruction and learning is the default education mode** for the 2021-22 school year and beyond. We know that for nearly every student nothing can replace the quality and experience of in-person teaching and learning that provides critical academic as well as mental health benefits. For these reasons, the local education agencies we represent are working hard and leveraging their resources to ensure that students and staff are able to learn, teach, and interact in safe and healthy environments.

While we are preparing for and committed to continuing and resuming in-person instruction and learning, some of our families are seeking high-quality virtual learning options for their students for a variety of reasons, including reluctance to return to in-person instruction while California's vaccine program continues to evolve. As public education agencies, we have **a moral and legal obligation to give every student a high quality education program.**

To this end, we support providing students and families with a high-quality learning option through the existing framework of independent study with important educational guardrails to promote student connectedness to teachers, staff, their peers, and their learning with intentional support and intervention strategies when students are showing signs of disengagement or are underperforming. We support these critical improvements to independent study programs for our students. We also support tailored learning programs that offer carefully guided but self-directed

work when students need or want a more flexible option. To achieve these important objectives, we urge lawmakers to:

- Strengthen independent study statutes to ensure that this educational option for students has the equivalent rigor, quality, and support of in-person programs so that all participating students can achieve academic success.
- Maintain the integrity of independent study programs for students with various and unique needs who need and want the flexibility of a teacher-guided but self-directed educational program.

We urge lawmakers to adopt the attached proposal that builds upon the May Revision's independent study program changes as part of the 2021-22 State Budget. The proposal strikes a critical balance of enhancing the quality of virtual learning options while retaining the key benefits students seek from this instruction and learning model. A summary of the proposed changes:

- Daily live interaction and weekly synchronous instruction is the default for all independent study programs in California.
- After consulting with a student's parent/guardian, the LEA may make reasonable accommodations to the daily/weekly default if either is not feasible or not in the student's best interest (e.g., pregnant/parenting students, certain alternative education programs, etc.). This is subject to reporting and transparency requirements.
- To ensure learning continuity (e.g., a student awaiting a COVID-19 test), permit enrollment in independent study even if less than five consecutive days.
- Given the late changes in law, for 2021-22, require a local educational agency (LEA) to collect the student's Master Agreement within 30 days of the first day of school.

Thank you for your consideration and important action for students and their families.

Sincerely,

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## Independent Study Requirements

Amend Education Code Section 46300 to read:

(e) ~~(1) In computing the average daily attendance of a school district, there shall also be included the attendance of pupils participating in independent study conducted pursuant to Article 5.5 (commencing with Section 51745) of Chapter 5 of Part 28 for five or more consecutive schooldays.~~

~~(2)~~ A pupil participating in independent study shall not be credited with more than one day of attendance per calendar day.

Amend Education Code Sections 51745, 51747, 51747.3, and 51747.5, as follows:

51745. (a) Commencing with the 1990–91 school year, the governing board of a school district or a county office of education may offer independent study to meet the educational needs of pupils in accordance with the requirements of this article. Educational opportunities offered through independent study may include, but shall not be limited to, the following:

(1) Special assignments extending the content of regular courses of instruction.

(2) Individualized study in a particular area of interest or in a subject not currently available in the regular school curriculum.

(3) Individualized alternative education designed to teach the knowledge and skills of the core curriculum. Independent study shall not be provided as an alternative curriculum.

(4) Continuing and special study during travel.

(5) Volunteer community service activities and leadership opportunities that support and strengthen pupil achievement.

(6) Upon determination of a parent/guardian, individualized study for pupils whose health would be put at-risk by in-person instruction.

(b) Not more than 10 percent of the pupils participating in an opportunity school or program, or a continuation high school, calculated as specified by the department, shall be eligible for apportionment credit for independent study pursuant to this article. A pupil who is pregnant or is a parent who is the primary caregiver for one or more of his or her children shall not be counted within the 10 percent cap.

(c) An individual with exceptional needs, as defined in Section 56026, shall not participate in independent study, unless his or her individualized education program developed pursuant to Article 3 (commencing with Section 56340) of Chapter 4 of Part 30 specifically provides for that participation.

(d) A temporarily disabled pupil shall not receive individual instruction pursuant to Section 48206.3 through independent study.

(e) No course included among the courses required for high school graduation under Section 51225.3 shall be offered exclusively through independent study.

Add Education Code Section 51745.5 to the Education Code to read:

51745.5. It is the intent of the Legislature that each local educational agency accommodate a pupil's or parent or legal guardian's request, if the pupil is younger than 18 years of age, for an independent study option by providing the pupil with an independent study option.

51747. A local educational agency, including a school district, or county office of

education, or charter school shall not be eligible to receive apportionments for independent study by pupils, regardless of age, unless it has adopted written policies, and has implemented those policies, pursuant to rules and regulations adopted by the Superintendent, that include, but are not limited to, all of the following:

(a) The maximum length of time, by grade level and type of program, that may elapse between the time an independent study assignment is made and the date by which the pupil must complete the assigned work.

(b) The number of missed assignments that will be allowed before an evaluation is conducted to determine whether it is in the best interests of the pupil to remain in independent study, or whether he or she should return to the regular school program. A written record of the findings of any evaluation made pursuant to this subdivision shall be treated as a mandatory interim pupil record. The record shall be maintained for a period of three years from the date of the evaluation and, if the pupil transfers to another California public school, the record shall be forwarded to that school.

(c) The provision of content aligned to grade level standards that is provided at a level of quality and intellectual challenge substantially equivalent to in-person instruction.

(d) Procedures for tiered reengagement strategies for all pupils ~~who are not participating in their program or~~ who are not generating attendance for more than three ~~consecutive~~ schooldays or 60 percent of the instructional days in a school week, or who are in violation of the written agreement pursuant to (g). These procedures shall include, but are not necessarily limited to, all of the following:

(1) Verification of current contact information for each enrolled pupil.

(2) ~~Daily notification~~ Notification to parents or guardians of ~~absences~~ lack of participation or missed assignments.

(3) A plan for outreach from the school to determine pupil needs, including connection with health and social services as necessary.

(e) (1) A plan to provide both daily live interaction and ~~weekly~~ synchronous instruction for all pupils ~~at least once per week~~ throughout the school year.

(2) If the local educational agency, after consulting with the pupil's parent, legal guardian, or caregiver, determines that daily live interaction or weekly synchronous instruction is not in the best interest of the pupil or not feasible for the pupil, the local educational agency shall develop an alternative accommodation for frequent live interaction and weekly synchronous instruction that provides a comparable level of service and school connectedness, as determined in the pupil's master agreement.

(3) Each local educational agency that provides alternative accommodations for daily live interaction and weekly synchronous instruction pursuant to paragraph (2) shall include the number of pupils who are being accommodated as part of its biweekly reporting requirement under subparagraph (D) of paragraph (1) of subdivision (a) of Section 32091.

~~(e)~~ (f) A plan to transition pupils whose families wish to return to in-person instruction from independent study expeditiously.

(g) A requirement that a current written agreement for each independent study pupil shall be maintained on file, including, but not limited to, all of the following:

(1) The manner, time, frequency, and place for submitting a pupil's assignments and for reporting his or her progress and for communicating with a pupil's parent or guardian regarding a pupil's academic progress.

(2) The objectives and methods of study for the pupil's work, and the methods utilized to evaluate that work.

(3) The specific resources, including materials and personnel, that will be made available to the pupil. These resources shall include confirmation or provision of access to all pupils to the connectivity and devices adequate to participate in the educational



program and complete assigned work.

(4) A statement of the policies adopted pursuant to subdivisions (a) and (b) regarding the maximum length of time allowed between the assignment and the completion of a pupil's assigned work, and the number of missed assignments allowed before an evaluation of whether or not the pupil should be allowed to continue in independent study.

(5) The duration of the independent study agreement, including the beginning and ending dates for the pupil's participation in independent study under the agreement. No independent study agreement shall be valid for any period longer than one school year.

(6) A statement of the number of course credits or, for the elementary grades, other measures of academic accomplishment appropriate to the agreement, to be earned by the pupil upon completion.

(7) A statement detailing the academic and other supports that will be provided to address the needs of pupils who are not performing at grade level, or need support in other areas, such as English learners, pupils with exceptional needs, pupils in foster care or experiencing homelessness, and pupils requiring mental health supports.

~~(7)~~(8) The inclusion of a statement in each independent study agreement that independent study is an optional educational alternative in which no pupil may be required to participate. In the case of a pupil who is referred or assigned to any school, class, or program pursuant to Section 48915 or 48917, the agreement also shall include the statement that instruction may be provided to the pupil through independent study only if the pupil is offered the alternative of classroom instruction.

~~(8)~~(9) (A) Each written agreement shall be signed before the commencement of independent study, by the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study, and all persons who have direct responsibility for providing assistance to the pupil. For purposes of this paragraph "caregiver" means a person who has met the requirements of Part 1.5 (commencing with Section 6550) of Division 11 of the Family Code.

(B) Signed written agreements, supplemental agreements, assignment records, work samples, and attendance records assessing time value of work or evidence that an instructional activity occurred may be maintained as an electronic file.

(C) For purposes of this section, an electronic file includes a computer or electronic stored image of an original document, including, but not limited to, portable document format (PDF), JPEG, or other digital image file type, that may be sent via fax machine, email, or other electronic means.

(D) Either an original document or an electronic file of the original document is allowable documentation for auditing purposes.

(E) Written agreements may be signed using a digital signature that complies with state and federal standards, as determined by the department, that may be a marking that is either computer generated or produced by electronic means and is intended by the signatory to have the same effect as a handwritten signature. The use of a digital signature shall have the same force and effect as the use of a manual signature if the requirements for digital signatures and their acceptable technology, as provided in Section 16.5 of the Government Code and in Chapter 10 (commencing with Section 22000) of Division 7 of Title 2 of the California Code of Regulations, are satisfied.

~~(E)~~(F) Notwithstanding subparagraph (A), for the 2021-22 school year, a school district, county office of education, or charter school shall obtain a signed written agreement for independent study from the pupil, the pupil's parent, legal guardian, or caregiver, if the pupil is less than 18 years of age, the certificated employee who has been designated as having responsibility for the general supervision of independent study,

and all persons who have direct responsibility for providing assistance to the pupil no later than 30 days after the first day of instruction. Nothing in this subparagraph shall be construed to relieve a local educational agency from the obligation to comply with the requirements of this article as enacted by [insert TBL#] upon commencement of instruction for a participating pupil in the 2021-22 school year.

(h) For students who are enrolled in independent study for 15 consecutive schooldays or less, the provisions of subdivision (d), (e), and (f) are not applicable.

~~(h)~~ (i) Except as provided in subdivision (h), ~~The~~ the provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

51747.3. (a) Notwithstanding any other law, a local educational agency, including, but not limited to, a charter school, may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the local educational agency has provided any funds or other thing of value to the pupil or his or her parent or guardian that the local educational agency does not provide to pupils who attend regular classes or to their parents or guardians. A charter school may not claim state funding for the independent study of a pupil, whether characterized as home study or otherwise, if the charter school has provided any funds or other thing of value to the pupil or his or her parent or guardian that a school district could not legally provide to a similarly situated pupil of the school district, or to his or her parent or guardian.

(b) Provision of access to connectivity and local educational agency-owned devices adequate to participate in an independent study program and complete assigned work, consistent with paragraph (3) of subdivision (f) of Section 51747, shall not be considered funds or other things of value for purposes of subdivision (a).

~~(b)~~ (c) Notwithstanding paragraph (1) of subdivision (e) of Section 47605 or any other law, community school and independent study average daily attendance shall be claimed by school districts, county superintendents of schools, and charter schools only for pupils who are residents of the county in which the apportionment claim is reported, or who are residents of a county immediately adjacent to the county in which the apportionment claim is reported.

~~(c)~~ (d) The Superintendent shall not apportion funds for reported average daily attendance, through full-time independent study, of pupils who are enrolled in school pursuant to subdivision (b) of Section 48204.

~~(d)~~ (e) In conformity with Provisions 25 and 28 of Item 6110-101-001 of Section 2.00 of the Budget Act of 1992, this section is applicable to average daily attendance reported for apportionment purposes beginning July 1, 1992. The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

51747.5. (a) The independent study by each pupil shall be coordinated, evaluated, and, notwithstanding subdivision (a) of Section 46300, shall be under the general supervision of an employee of the school district, charter school, or county office of education who possesses a valid certification document pursuant to Section 44865 or an emergency credential pursuant to Section 44300, registered as required by law.

(b) School districts, charter schools, and county offices of education may claim apportionment credit for independent study only to the extent of the sum of synchronous instruction provided pursuant to subdivision (e) of section 51747 and the time value of pupil work products, as personally judged in each instance by a certificated teacher. It is the intent of the Legislature that teachers be given access to digital assignment tracking systems to reduce workload associated with evaluating and accounting for pupil work.

(c) Each local educational agency shall document daily participation for each pupil on each schoolday, in whole or in part, for which whom independent study is provided. A pupil who does not participate in independent study on a schoolday as required by the agreement shall be documented as absent for that schoolday.

(1) For purposes of this section, daily participation may include, but is not limited to, evidence of participation in at least one of the following as outlined in the master agreement: online activities, completion of regular assignments, completion of assessments, and contacts between employees of the local educational agency and pupils or parents or guardians. Daily participation may be documented on a daily, weekly, or biweekly basis using multiple days of combined activities, assignments, assessments, and staff to student or staff to parent or guardian contact to meet the requirements of this subdivision.

(d) Each local educational agency shall maintain written or computer-based evidence of student engagement that includes, but is not limited to, a grade book or summary document that, for each class, lists all assignments, assessments, and associated grades ensure that a weekly engagement record is completed for each pupil documenting synchronous or asynchronous instruction for each whole or partial day of independent study, verifying daily participation and tracking assignments.

~~(e) For purposes of compliance with subdivisions (c) and (d), by September 1, 2021, the department shall provide local educational agencies with a digital form for reporting daily participation and weekly engagement that minimizes workload associated with collecting and reporting this information for teachers and local educational agencies.~~

~~(e)(f)~~ For purposes of this section, school districts, charter schools, and county offices of education shall not be required to sign and date pupil work products when assessing the time value of pupil work products for apportionment purposes.

~~(g)~~ (f) The provisions of this section are not subject to waiver by the state board, by the Superintendent, or under any provision of Part 26.8 (commencing with Section 47600).

Section 51749.4 is added to the Education Code to read:

51749.4. The provisions of this article as they read on June 1, 2021 shall be effective until August 15, 2021 or the first day of instruction for the 2021-22 school year as adopted by a local educational agency, whichever occurs first. After August 15, 2021 or the first day of instruction for the 2021-22 school year as adopted by a local educational agency, the provisions of this article as enacted by [insert TBL#] shall become operative.